

Court of Appeals, State of Michigan

ORDER

People of MI v Toriono Kent

Docket No. 353342

LC No. 15-006532-01-FC

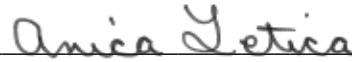
Anica Letica
Presiding Judge

Michael J. Riordan

Thomas C. Cameron
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the Wayne Circuit Court's September 30, 2019 order denying defendant's motion for relief from judgment is VACATED and this matter is REMANDED for the circuit court to consider defendant's arguments on their substantive merits. Because this is defendant's first motion for relief from judgment and his instant claims of ineffective assistance of counsel were never raised or decided in his first-tier appeal, the trial court erred by concluding that defendant was barred from raising those claims of error here under MCR 6.508(D)(2).

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 28, 2020

Date



Chief Clerk